

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIE C. MUSTIN,

Petitioner,

vs.

Civil Case No. 07-10907  
Crim. Case No. 05-80265

UNITED STATES OF AMERICA,

HON. AVERN COHN

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

I.

This is a habeas case under 22 U.S.C. § 2255. Petitioner Willie C. Mustin (Petitioner) pled guilty to conspiracy with intent to distribute 50 grams of cocaine, in violation of 21 U.S.C. § 841, and was sentenced to 87 months imprisonment. Petitioner filed a motion under § 2255 claiming that (1) his trial counsel was ineffective under the Sixth Amendment, and (2) his Fourth Amendment rights were violated. The Court denied the motion, finding that Petitioner's Sixth Amendment claim lacked merit and his Fourth Amendment claim was not cognizable. See Memorandum and Order Denying Motion under 28 U.S.C. § 2255, filed April 17, 2007.

Before the Court is Petitioner's motion for reconsideration. For the reasons that follow, the motion is DENIED.

II.

E.D. Mich LR 7.1(g) governs motions for reconsideration, providing in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Petitioner fails to satisfy this standard. Petitioner first contends that the Court denied the motion before the government filed its response. That is incorrect. The government's response was filed April 5, 2007 and the Court issued its decision on April 17, 2007. The Court did not, however, have Petitioner's reply brief, filed April 26, 2007. The Court has reviewed the reply brief and finds nothing which would alter the Court's conclusion that Petitioner is not entitled to relief. Thus, reconsideration is not warranted on this ground.

Petitioner's other grounds for reconsideration are essentially the same arguments considered and rejected by the Court in denying his § 2255 motion. As explained, Petitioner's trial counsel was not ineffective.

SO ORDERED.

Dated: May 21, 2007

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 21, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160